



RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
William E. Fulbright, Deputy
Alex Beal, Deputy

Ravalli County Courthouse
205 Bedford, Suite C
HAMILTON, MT 59840-2853
Phone (406) 375-6750
Fax (406) 375-6731

MEMORANDUM

TO: Shaun Morrell, Planning Department

CC: Ravalli County Commissioners ✓

FROM: Alex Beal, Deputy County Attorney MB

DATE: February 7, 2008

RE: Brooks Hotel Variance Question

You have asked for my legal opinion regarding what steps might need to be taken for the applicant to modify the lot alignment of the Brooks Hotel application, which was granted a variance from our interim zoning regulation. This lot realignment is proposed because the Planning Department has concluded that one of the lots is a flag lot.

Initially, as I have mentioned in prior conversations, I am not certain that it is a flag lot. Certainly, it is an oddly shaped lot; however, whether it contains a "relatively narrow corridor" is far from clear. However, I think that all parties agree that the redesigned plat would be far more beneficial to the public. With that in mind, I will still answer your question.

The variance obtained by the Brooks Hotel applicant was from the requirement of 2 acre minimum lot sizes. The variance process and the variance granted do not require a specific lot layout. While it is possible that the Board of Adjustment could grant a specific and limited variance allowing only for a particular layout, they did not do so in this particular case. Because the proposal does not change the numbers of lots, no further variances from the interim zoning are required.